
BIBLIOGRAPHY OF RECENT BOOKS IN COMMUNICATIONS LAW

Patrick J. Petit*

The following is a selective bibliography of recent books in the field of communications law. All were published in late 1994 or 1995. Accompanying each item is an annotation describing the contents and focus of the work. Bibliographies and other useful information in appendixes are noted.

FREEDOM OF PRESS AND SPEECH

Martin, Shannon E. *Bits, Bytes, and Big Brother: Federal Information Control in the Technological Age*. Westport, Conn., Praeger, 1995. 166 p.

Bits, Bytes, and Big Brother is the latest addition to the *Praeger Series in Political Communication*. Chapter 1 provides a brief history of the federal government's efforts to make information accessible to the public, particularly through the Depository Library Act and the Freedom of Information Act. The book's primary focus, however, is on three government actions which restrict such access: the Foreign Acts Registration Act, the Computer Security Act of 1987, and the Pentagon Rules on Media Access. The author provides an historical, philosophical, and policy analysis of these government actions and their potential impact on the free flow of government information. The text of each of these documents is included in the appendixes.

Maule, James E. *Better that 100 Witches Should Live: the 1696 Acquittal of Thomas Maule of Salem, Massachusetts, on Charges of Seditious Libel and its Impact on the Development of First Amendment Freedoms*. Villanova, Pa., Jembook Publishing Co., 1995. 687 p.

Better that 100 Witches Should Live examines the trial of Thomas Maule in 1696 for seditious libel.

Maule, a Quaker, published a tract entitled *Truth Held Forth*, which was highly critical of the Puritan theocracy and its persecution of the Quakers. The appendixes, which occupy nearly two-thirds of the book, reprint all of Maule's religious tracts and an unpublished Master's thesis which argues the Thomas Maule was used by Hawthorne as the basis of his main character in the *House of Seven Gables*.

MASS MEDIA

Altschull, Herbert. *Agents of Power: the Media and Public Policy*. Second edition. New York: Longman, 1995. 461 p.

Altschull's book explores the function of the media in the shaping of public policy in both theory and actual practice. Part I examines the mission of the press in the American democracy and how those principles have played out in the rise of the American press as big business. Part II discusses the news media as an element of social control by concentrating on Henry Luce (print media) and Ted Turner (electronic media). Part III concerns the interplay of the media and politics. Parts IV-VI broaden the inquiry to address media and society in developing countries and in its global context.

Baran, Stanley J. and Dennis K. Davis. *Mass Communications Theory: Foundations, Ferment, and Future*. Belmont, Cal.: Wadsworth Publishing Co., 1995. 407 p.

Baran and Davis' text examines the two prevailing schools of media theory: the social/behavioral theories and the cultural/critical theories. The authors emphasize the historical elements which provide the context in which mass communications theory develops. A glossary of terms and a substantial

* B.A., Illinois Benedictine College; J.D., Catholic University of America; M.L.S., University of Maryland; Associate Director

and Head of Public Services, Kathryn J. Dufour Law Library, Columbus School of Law, The Catholic University of America.

list of references are provided.

Blondheim, Menahem. *News Over the Wires: the Telegraph and the Flow of Public Information in America, 1844-1897*. Cambridge, Mass., Harvard University Press, 1994. 305 p.

News Over the Wires is an historical examination of telegraphic newsgathering as both a business and cultural enterprise in the later half of the nineteenth century. In the author's view, the Associated Press was the first private-sector monopoly to operate nationally in the United States. As a national news monopoly its influence on historical developments in the nineteenth century was enormous. The contributions of Daniel H. Craig and William Henry Smith are highlighted. Nearly 100 pages of notes and references to primary sources are included.

Cavazos, Edward A. and Gavino Morin. *Cyberspace and the Law: Your Rights and Duties in the On-Line World*. Cambridge, Mass., MIT Press, 1994. 215 p.

The authors of *Cyberspace and the Law* provide a concise guide to legal questions frequently encountered in the on-line world. While it aims at an audience with little or no legal training, it provides a general overview of on-line legal issues that most lawyers never envisioned while in law school. While not a legal treatise, it does cite to appropriate statutory and case authorities. There are chapters on privacy, computer fraud, pornography, copyright, First Amendment issues, and computer crime. Appendix A, entitled "Where to Go for More Help," provides basic information on legal sources and references to both national and state groups interested in legal issues in cyberspace. The remaining appendixes give the text of federal and state statutes dealing with electronic privacy, pornography, and computer crimes.

Flannery, Gerald V., editor. *Commissioners of the FCC: 1927-1994*. Lanham, Md.: University Press of America, 1995. 228 p.

The author provides short (approximately three pages each) but very useful biographies of all the commissioners who have served on the FCC and its predecessor, the Federal Radio Commission. The biographies are arranged in chronological order by the date of appointment of each commissioner. In addition to providing the appropriate personal information, the author also comments on the politics and

the policies of each commissioner. A short introduction on the history and structure of the FCC is included.

Hoynes, William. *Public Television for Sale: Media, the Market, and the Public Sphere*. Boulder, Colo., Westview Press, 1994. 207 p.

Public Television for Sale is a new addition to Westview's *Critical Studies in Communication and in the Cultural Industries* series. Hoynes examines what he argues are the fundamental differences between public and commercial television. Chapters 1 through 3 provide the historical background about the development of public television and serve to frame the current political debate about its future. Chapter 4 uses the *MacNeil/Lehrer NewsHour* as a case study to analyze the differences in coverage of news stories between public and network television. Chapters 5 through 7 examine the dynamics of funding and programming based upon in-depth interviews with persons involved in national public television programming. Many charts and tables and an extensive bibliography of references are provided.

Katsh, M. Ethan. *Law in a Digital World*. New York: Oxford University Press, 1995. 294 p.

Katsh's book addresses the new electronic information technologies and their impact on the law. It concerns the influence of computers on legal information and the legal process, and how the lawyer and the public will interact with law in electronic, rather than book-based, format. He compares print and electronic legal information in four broad areas: methods of distribution; working with information; graphical expression and communication; and new modes of organizing legal information. An extensive bibliography is provided.

Keith, Michael C. *Signals in the Air: Native Broadcasting in America*. Westport, Conn., Praeger, 1995. 177 p.

Signals in the Air presents an overview of Native American broadcasting in the United States. The first few chapters chronicle the history and development of Native broadcasting. Chapter five, entitled "Talking Hogans," provides individual profiles of a large number of non-commercial Native stations. The remaining chapters discuss the future of Native broadcasting: funding, infrastructure, and the contribution of indigenous broadcasting to Native American culture. The Appendix contains a proposal for

an Office of Technology Assessment study of the communications needs of Native Americans within the context of the National Information Infrastructure.

Looker, Thomas. *The Sound and the Story: NPR and the Art of Radio*. Boston: Houghton Mifflin Company, 1995. 421 p.

The Sound and the Story presents a reporter's look behind the scenes at National Public Radio. Looker spent five months and conducted over sixty formal interviews chronicling the process of creating NPR's news programming. The author clearly views NPR in a positive light, maintaining up front that it can play a "crucial role in our culture."

Matelski, Marilyn J. *Vatican Radio: Propagation by the Airwaves*. Westport, Conn., Praeger, 1995. 224 p.

A new addition to the publisher's *Media and Society Series*, *Vatican Radio* purports to "explore the history of Radio HVJ (Vatican Radio's call letters) through evolving models of leadership, church doctrine, and social change." Individual chapters address the role of Radio HVJ in Vatican diplomacy during the pontificates of Pius XI (the founder of the international broadcast service in 1931), Pius XII, the impact of the Second Vatican Council and its aftermath, and the pontificates of Paul VI and John Paul I & II. The book examines the impact of Vatican Radio on both the temporal and spiritual mission of the Catholic Church. Appendixes provide the text of significant broadcasts, a chronology of Vatican Radio, a glossary of ecclesiastical and technical terms, and an extensive bibliography. Chapter one provides a very useful table that lists the names, dates, and significant achievements of all the popes.

Merrill, John C., editor. *Global Journalism: Survey of International Communication*. Third edition. New York: Longman, 1995. 414 p.

Global Journalism is a collection of essays which provide a survey of broad media issues throughout the world. Part I concerns theoretical issues of press freedom, journalistic ethics, technological innovation, advertising, and barriers to media development. Part II consists of chapters dealing directly with major world regions. The treatment afforded each region includes discussions of its print and electronic media, concepts of media freedom, journalistic education, media economics, and prospects for the future. Bibli-

ographies are included with each chapter.

Minow, Newton and Craig L. LaMay. *Abandoned in the Wasteland: Children, Television, and the First Amendment*. New York: Hill and Wang, 1995. 224 p.

Abandoned in the Wasteland presents a spirited critique of children's television and the FCC's failure to regulate in the public interest in this regard. Chapter 3 focuses on the First Amendment issues raised by efforts to make television broadcasting both child-proof and child-friendly. The authors' Chapter 5, "Changing the Way We Think," provides suggestions for action at both the individual and institutional level to address these concerns. Appendix 1 contains the authors' proposal for a "Children's Television Protection and Education Act of 1995," which seeks to include the recommendations which they outline in their Chapter 5. Appendix 2 contains Minow's famous "vast wasteland" speech, which he delivered to the National Association of Broadcasters in 1961, Appendix 3 includes a followup address, "How Vast the Wasteland Now?," which he delivered 30 years later at Columbia University.

Thaler, Paul. *The Watchful Eye: American Justice in the Age of the Television Trial*. Westport, Conn., Praeger, 1994. 239 p.

The Watchful Eye examines the impact of television on the conduct and dynamics of criminal trials. The first part of the book provides a history of cameras in the courtroom, examines in brief some highly-publicized trials, and discusses the rise of Court TV. The primary focus of Thaler's book is the Joel Steinberg-Hedda Nussbaum murder trial in 1988. He conducted extensive interviews with 40 persons involved in the case, including the judge, the defendants, attorneys, journalists, and 10 of the 12 jurors. A full chapter is devoted to an interview with the defendant Joel Steinberg, giving his views on the impact of media coverage of the trial. He uses this sensational trial as a case study to examine the commonly-held perceptions about the influence of television on trial behavior. A selected bibliography is included.

TELECOMMUNICATIONS

Brock, Gerald W. *Telecommunication Policy for the Information Age: From Monopoly to Competition*. Cambridge, Mass.: Harvard University Press,

1994. 324 p.

Part I of Brock's book describes the evolution of telecommunications policy in the United States. Chapter 4 in particular presents an overview of the primary institutions involved in the policymaking process: the FCC, state regulatory agencies, the Department of Justice, and the Courts. Chapter 5 addresses the economic characteristics which led to the development of the telephone monopoly. Part II concentrates on the development of competition with separate chapters on terminal equipment, long distance, and interconnection. Part III focuses on divestiture and its consequences. Part IV concentrates on alternatives to the divestiture model and the author's conclusions.

Johnson, Leland L. *Toward Competition in Cable Television*. Cambridge, Mass.: MIT Press 1994. 214 p.

Toward Competition is jointly published by the MIT Press and the American Enterprise Institute and is a new addition to the *AEI Studies in Telecommunications Deregulation*. The author identifies two main purposes for his study: to identify the likely sources of competition within the industry in the near future and to formulate a policy approach to competition that will operate in whatever environment emerges. He examines potential competition from municipalities, electric utilities, LECs (local exchange carriers), satellite-based systems, and terrestrial wireless systems. The final two chapters address major policy issues that cut across the various technologies. A glossary of terms and an extensive list of references are included.

Krattenmaker, Thomas G. and Lucas A. Powe, Jr. *Regulating Broadcast Programming*. Cambridge, Mass., MIT Press, 1994. 369 p.

Krattenmaker and Powe describe their contribution to AEI's *Studies in Telecommunications* series as a "comprehensive description and critique of past and present efforts to police radio and television broadcast program content." They view these efforts as failures. There are chapters devoted to how the current regulatory scheme was created, the differences in treatment between print and broadcasting, the Fairness Doctrine, the concept of the public interest and its policy concomitants of diversity and conformity, and the role of the Supreme Court. The final chapter provides the author's vision of a new regulatory framework for broadcasting. A substantial

bibliography is provided.

Krattenmaker, Thomas G. *Telecommunications Law and Policy*. Durham, N.C.: Carolina Academic Press, 1994. 623 p.

The purpose of Krattenmaker's casebook is to be an introduction to the main policy issues which occur in the federal regulation of telecommunications, including major issues of constitutional law, antitrust, and administrative law. There are three major subdivisions: conventional broadcasting, cable, and telephone. Each chapter begins with a short discussion of the telecommunications principles being studied. Excerpts from court opinions, FCC decisions, and law review articles which address the issue follow. Extensive notes and questions are provided with each selection. The primary sources are edited in such a way as to be readable by a beginning student of communications law. A statutory appendix is provided.

Mody, Bella, Johannes M. Bauer, and Joseph D. Straubhaar, editors. *Telecommunications Politics: Ownership and Control of the Information Highway in Developing Countries*. Mahwah, N.J.: Lawrence Erlbaum Associates, 1995. 336 p.

Telecommunications Politics is a collection of essays exploring the political dynamics of telecommunication reform, privatization, and investment in the developing countries in Asia, Latin America, and Eastern Europe. Part III presents various country case studies of telecommunication development. References are included with each paper.

Persons, Georgia. *The Making of Energy and Telecommunications Policy*, Westport, Conn.: Praeger, 1995. 196 p.

Person's study examines the policymaking process in two different regulatory settings: energy and telecommunications. Her case studies analyze the differing processes which emerged as each sector confronts a similar issue. The focus is the policy responses in each area to "lifeline rates" (regulatory efforts to provide a baseline of energy resources and telecommunications services to low-income consumers in a time of rising utility rates). The author presents the policy debate primarily from its legislative record in Congressional committee reports, hearings, prints, and documents.

Pogorel, Gerard, editor. *Global Telecommunications*

Strategies and Technological Changes. Amsterdam, Elsevier Science B.V., 1994. 368 p.

Global Telecommunications is a collection of papers presented at the Ninth International Conference of the International Telecommunications Society. The focus of the sixteen papers selected is clearly telecommunications issues in Europe. Several of the articles wrestle with the issue of monopolization versus decentralization and competition in European telecommunications services. A list of references are included with each paper.

Teske, Paul, editor. *American Regulatory Federalism and Telecommunications Infrastructure*. Hillsdale, N.J.: Lawrence Erlbaum Associates, 1995. 167 p.

Teske's collection of essays focus on issues of state regulation in telecommunications. The papers in Part I provide an historical overview of the two-tiered regulatory scheme in the United States. Part

II examines the states as policy makers and the involvement of governors, legislatures, and economic development agencies. Part III assesses the costs and benefits of state regulation. Part IV addresses the tensions and new developments in federal-state interaction in the telecommunications field. A list of references is included.

Wrobel, Leo A. and Eddie M. Pope. *Understanding Emerging Network Services, Pricing, and Regulation*. Boston: Artech House, 1995. 168 p.

Wrobel and Pope—or Leo and Ed as they frequently interject into the narrative—provide a concise but informative handbook for the telecom professional, lawyer, or lobbyist. It is informal in style with virtually no footnotes. Their explanation is accompanied by many illustrations and charts. The appendixes include a glossary of technical terms, sample contracts for telecommunication services, and model regulatory documents.

